Docket No.: 2000874.00146US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sundeep Bhan et al.	Confirmation No.:	2784
Application No.:	10/734,811	Art Unit:	3629
Filed:	December 11, 2003	Examiner:	J. P. Ouellette
Title:	TARGETED INVITATION DELIVERY		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

As required under § 41.37(a), this brief is filed after the Notice of Appeal filed in this case on August 10, 2010, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefor, are submitted herewith.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.2:

I.	Real Party In Interest
II	Related Appeals and Interferences
III.	Status of Claims
IV.	Status of Amendments
V.	Summary of Claimed Subject Matter
VI.	Grounds of Rejection to be Reviewed on Appeal
VII.	Argument

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

The real party in interest for this appeal is:

WebMD Corporation, 111 Eighth Avenue, 7th Floor, New York, NY 10011.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 12 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 7, 9, and 15-18
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-6, 8, and 10-14
4. Claims allowed: None
5. Claims rejected: 1-6, 8, and 10-14

C. Claims On Appeal

The claims on appeal are claims 1-6, 8, and 10-14

IV. STATUS OF AMENDMENTS

Applicant did not file an Amendment After Final Rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In general, the invention facilitates the distribution of invitations for a plurality of events to a desired subpopulation of practitioners within a field. Recipients are able to specify what type of information they are interested in receiving. (¶ [0005])

The invention can be implemented using a central Internet-based server and conventional computer hardware (e.g., Windows, McIntosh, and Linux-based machines) which communicates with the central server via the Internet, Internet-based e-mail and/or alternate communication mechanisms. It is envisioned that instructions for performing the process steps will be stored on computer-readable media (e.g., optical, magnetic, or semiconductor media), in any conventional manner. (¶ [0015])

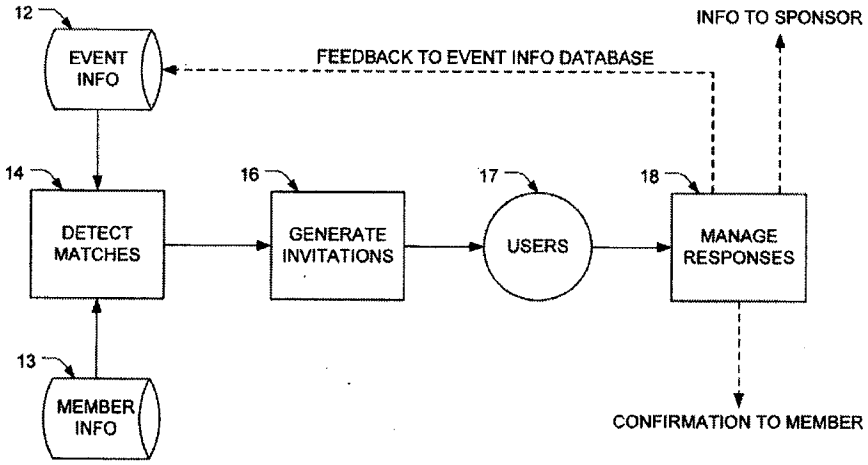


FIG. 1

The described embodiment, shown in Fig. 1 above, contains an event information database 12 which is populated based on information received from sponsors of events. In some embodiments, a system administrator, who receives information from the sponsors of the events,

manages event database 12. In the case of sponsors that run a large number of events, the system may permit the sponsors to create new entries in event database 12 themselves. (¶ [0016])

The described embodiment also includes a member information database 13 which includes information about the people who are to receive the invitations that are generated by the system. Member database 13 may initially be populated by importing information from another database in the relevant field. For example, if the system is used to deliver invitations to medical doctors, a pre-existing database of medical doctors could be used to pre-populate member database 13. In addition, a mechanism can be provided by which a new user can register and add his or her information into member database 13, e.g. via a conventional web-based interface. (¶ [0017])

Also in the described embodiment, event database 12 includes fields containing information that describes each event (such as the topic, the speaker, the data and time, the location, and the sponsor). If an incentive is offered to attendees of the event, that incentive is also included in event database 12. The fields containing information that describe the events may include, for example, an event ID, topic, speaker name, description, event type, location, time(s), date(s), RSVP date, RSVP phone number, an event URL, and eligible attendees (i.e. MD, PA, RN, etc.). Fields to describe each event's sponsor may also be included, such as the company name, a drug name, and a drug category. (¶ [0018])

In the described embodiment, member database 13 includes all the information that a Detect Matches process 14 needs in order to implement sponsor-directed matching. This information may include, for example, the name and specialty of each member, as well as contact information and a unique identifier number. (¶ [0020])

Once event database 12 and member database 13 have been populated, Detect Matches process 14 examines the contents of the two databases and determines which of the events match which of the members. (¶ [0021])

Matching may be implemented automatically by comparing the topic of each event (which information is stored in event database 12) to the specialty of each member (which information is

stored in member database 13), and searching for matches between events and members. For example, a member database for doctors might include each doctor's specialization (e.g., cardiology, orthopedics, pediatrics), and the event information in event database 12 would contain fields that match those specialties. Detect Matches process 14 compares the appropriate fields in event database 12 and member database 13 to find matches. For example, Detect Matches process 14 might match a pediatric cardiology event to pediatricians and cardiologists, but would not match that event with a member whose specialty is oncology. (¶ [0022])

Once a set of matches is obtained, a Generate Invitations process 16 queues up all the invitations that are to be delivered to each member based on the results of Detect Matches process 14. (¶ [0032]) And then for each member, all of the invitations that are queued up for that member are formatted into an e-mail and the e-mail is sent to that member. (¶ [0033])

Claims 1 and 6 are presented in the tables below which map the recited elements to the relevant portions of the specification and figures:

Features of Claim	**Support in Specification**
1. A computer-implemented method of selectively distributing invitations for a plurality of events, the method comprising:	¶ [0002] ¶ [0015]
electronically storing in an event information database a plurality of event records, each event record storing event information for a corresponding different event of a plurality of events, wherein the event information stored in each of the plurality of event records includes one or more corresponding invitee selection criteria;	event information database 12 in Fig. 1 ¶ [0016] ¶ [0019]

Features of Claim	Support in Specification
electronically storing in a member information database member information for each of a plurality of members, wherein each of the plurality of members has a corresponding electronic mailbox for receiving electronic communications for storage and later retrieval by that member;	member information database 13 in Fig. 1 ¶ [0017] ¶ [0033]
after the plurality of event records storing the event information has been electronically stored in the event information database for all of the events among the plurality of events, for each event of the plurality of events, in a computer system comparing the stored event information obtained from the event information database for that event and the stored member information obtained from the member information database to identify for each member among the plurality of members all events among the plurality of events that match the stored member information for that member;	detect matching process 14 in Fig. 1 ¶ [0021] ¶ [0022]
electronically storing match information about all of the identified matches, wherein for each of at least some of the members among the plurality of members the stored match information identifies multiple events among the plurality of events that were	Fig. 4B ¶ [0029] ¶ [0032]

Features of Claim	Support in Specification
detected for that member; and	
based on the stored match information, generating and sending an electronic invitation message to the electronic mailbox of each member of the plurality of members for which matches are identified in the stored match information, wherein each electronic invitation message invites its corresponding recipient to all of the events for which matches were detected for that corresponding recipient.	users process 17 in Fig. 1 ¶ [0033]

Features of Claim	Support in Specification
6. A computer-implemented method of selectively distributing invitations for a plurality of events, the method comprising:	¶ [0002] ¶ [0015]
electronically storing in an event information database a plurality of event records, each event record storing event information for a corresponding different event of a plurality of events, wherein the event information stored in each of the plurality of event records includes one or more corresponding invitee selection criteria;	event information database 12 in Fig. 1 ¶ [0016] ¶ [0019]
electronically storing in a member information database member information for each of a plurality of members, wherein each of the plurality of members has a	member information database 13 in Fig. 1 ¶ [0017] ¶ [0033]

Features of Claim	Support in Specification
corresponding electronic mailbox for receiving electronic communications for storage and later retrieval and wherein the member information for each of the plurality of members includes one or more member preferences;	¶ [0025]
after the plurality of event records storing the event information has been electronically stored in the event information database for all of the events among the plurality of events, for each event of the plurality of events, in a computer system comparing the stored event information obtained from the event information database for that event and the stored member information obtained from the member information database to determine for each member among the plurality of members all events among the plurality of events to which that member should be invited based on (a) matches between the member information and the one or more corresponding invitee selection criteria for each of the plurality of events and (b) matches between the event information and the one or more member preferences for the respective members;	detect matching process 14 in Fig. 1 ¶ [0021] ¶ [0022] ¶ [0027]
electronically storing invitation information indicating which events among the	Fig. 4B ¶ [0029]

Features of Claim	Support in Specification
plurality of events each of the plurality of members should receive an invitation to, wherein for each of at least some of the members among the plurality of members the stored invitation information identifies multiple events among the plurality of events that were detected for that member; and	¶ [0032]
based on the stored invitation information, generating and sending an electronic invitation message to the electronic mailbox of each member of the plurality of members identified in the stored invitation information for receiving an invitation, wherein each electronic invitation message invites its corresponding recipient to all of the events identified for that recipient in the invitation information.	users process 17 in Fig. 1 ¶ [0033]

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

§112 2nd Paragraph Rejection:

The examiner rejected claims 1 and 6 under 35 U.S.C. §112, 2nd paragraph, as being indefinite. More specifically, the examiner asserted that it was unclear how the system/user would determine when the matching step would take place.

§103(a) Obviousness Rejection:

The examiner rejected claims 1-6, 8, and 10-14 under 35 U.S.C. §103(a) as being unpatentable over WO 01/52106 A2 by Gal et al. (a.k.a. Gal).

The examiner admits that Gal does not teach various recited features but "believes that the invention disclosed [by] Gal to be an advancement on the instant invention." The examiner further states that "Applicant fails to disclose why saving the information in a database would be an advancement on the prior art."

VII. ARGUMENT

§112 2nd Paragraph Rejection:

In his rejection of claims 1 and 6 under 35 U.S.C. §112, 2nd paragraph, the examiner notes that the independent claims recite "storing event information in a database and then matching the stored information with stored profile information to determine invitees to received specific emails with a plurality of events." The examiner asserts that it was "unclear how the system/user would determine when the matching step would take place." According to the examiner, without specifying a threshold of events or a threshold of time, "it is unclear...why the event information would even have to be saved" and why the event record would not be directly matched to the user once received (or upon receipt).

The reason the event records need to be stored before the comparing takes place is that the claim requires that to be the case. More specifically, the claim recites "after the plurality of event records...has been electronically stored," the comparing takes place. A person skilled in the art would understand a plurality of event records to mean more than one event record. Thus, the claim makes clear that the comparing takes place after more that one event record (i.e., a plurality of event records) is stored. That is the threshold, i.e., more than one stored record.

In other words, going through the event information takes place not upon receipt of each event records, as would be the case with a system built on the principles of Gal's messaging system, but rather it takes place as part of processing the database of event records (i.e., the plurality of event records) that had been previously received.

This makes a big difference in the performance of embodiments which operate according to the claims as compared to Gal's messaging system. Gal's system acts like a filter. The user sends a message along with profile information to Gal's system and his system then immediately forwards that message to the users who match the profile information. The purpose of Gal's system is to enable users to send messages to the appropriate group of recipients without disclosing to the user the identity or email addresses of those recipients, thereby maintaining the privacy of the recipients and protecting them future unwanted solicitations or contacts.

In Gal's system, since a message is forwarded at time of its receipt, those users who were not enrolled in the system at the time the message was received will not be recipients of the forwarded message. To make sure that later subscribers to Gal's system are not left out, assuming that is an issue about which the user is concerned, the user must send his or her message multiple times to catch the users who joined the system since the last time he or she sent the message.

Embodiments which operate in accordance with the claimed invention do not place such an inconvenient burden on the person who provides the event records. Once the system is notified of such event(s), the system takes care of the rest of the function of notifying the appropriate members. It does this by storing a database of such event records and then at some point (i.e., no sooner than the time at which at least two event records are electronically stored) going through that database

along with the database of members to identify those members to whom invitations to certain events should be sent. The final step involves sending invitations to those identified members, wherein the invitations invite the member to all of the events for which matches were detected.

Because the claimed invention operates by processing the database of invitations (whenever that is desired or as often as that is desired), the members who sign up after some of the event records have been received need not worry about failing to be informed about the relevant invitations. That is because notification does not occur through the forwarding of a received event notification but rather occurs after the event information has been stored in the database for a plurality of events. This is why saving the information in a database is an advancement over the prior art which the examiner has identified. With the present invention, as contrasted to Gal's approach, members need not worry about missing an invitation that might be of interest because they happened to sign up after that invitation was already received and forwarded by the system.

In addition, a further advantage of the claimed invention as compared to Gal's approach is reduced email traffic to the members. Rather than simply forwarding an invitation each time one is received, as is done by Gal, the event records are stored so that they may be accumulated (i.e., a plurality of event records) and then the corresponding event information may be combined into a single email to the member. The storing of a plurality of event records is the underlying feature which captures this fundamental difference. How frequently an embodiment of the claimed invention sends emails or how many records are stored prior to sending such an email is a design question.

§103(a) Obviousness Rejection of Claims 1-6, 8, and 10-14:

As noted above, the Examiner rejected claims 1-6, 8, and 10-14 under 35 U.S.C. §103(a) as being unpatentable over WO 01/52106 A2 by Gal et al. (a.k.a. Gal). The Examiner admitted that "Gal fails to expressly disclose storing event information in a database and then matching the stored event information with stored profile information to determine invitees to receive specific emails with a plurality of events."

We refer to the discussion above which explains why we believe the examiner is indeed correct in this regards. But the examiner ignores this distinction on the basis that "saving the event information would be unnecessary for matching the event information with system users, and the Examiner believes the invention disclosed [by] Gal to be an advancement on the instant invention."

We disagree that it is an advancement on the instant application for the reasons also discussed above. In summary, the instant invention cuts down on the number of emails that members have to put up with. Receiving multiple emails can be irritating, particularly in today's world when users are barraged with emails from every conceivable source, both desired and undesired. In addition, with the instant invention whether or not a member gets notification of an event is not as dependent on when the member signs up for the notification service. In the case of the Gal system, because it basically operates as a filter, if a person is not a member when a message relating to a particular event is received, that person will not be made aware of that particular message.

The examiner also argues that Gal's approach represents a more efficient use of time and storage space. But we disagree that it is a more efficient use of time. And we disagree that the issue of storage space would have any meaningful impact given how plentiful and inexpensive storage space is and has been for awhile. With regard to efficient use of time, we submit that receiving one email which summarizes the event information of a plurality of event records, rather that receiving a separate email for each event record or message, results in a more efficient use of time. In the case of the present invention, the recipient must deal with only one email whereas in the case of the Gal system the recipient must deal with multiple emails, one for each of the plurality of event records/messages.

We also note that Gal does not store event information about a plurality of events. The examiner disagrees and argues that the message about which Gal speaks could include information about a plurality events. As we previously noted, to the extent that Gal stores a received message that might relate to multiple events, that is not the same as storing a plurality of event records wherein each record stores information about a corresponding different event.

The examiner also admits that Gal fails to expressly disclose sending all of the matching events/invitations in one e-mail to the user. But the examiner again argues that:

> ...Gal does disclose combining event information by user/key number (pg. 5), and Gal also discloses electronically sending invitation information to users (pg.4).
>
> Therefore, it would have been obvious to one of ordinary skill in the art at the time the invitation was made to have included sending "all of" the matching events/invitations in one e-mail to the use[r] in the system disclosed by Gal, for the advantage of providing a method of invitation delivery with the ability to save system resources for both the user and the sender, by combining information sent.

But this argument ignores that Gal actually teaches away from adding this feature or modification to his system. More specifically, Gal teaches away from a modification "wherein each electronic invitation message invites its corresponding recipient to all of the events for which matches were detected for that corresponding recipient," as recited in the claims.

The parts of Gal's database 90 that store event information and user/key numbers are tables 98 and 100. Table 98 lists invitations along with pointers to the message block describing the event and Table 100 lists user/key numbers identifying the users and for each user/key number, the invitations which apply to that user/key. These two tables are provided as support for the dynamic creation of a web page when the user visits the web site.

In arguing that it would be obvious to use the information that is stored in these two tables to generate emails that consolidate multiple invitations for each user, the Examiner is ignoring why those tables are provided in the first place. More specifically, the Examiner is ignoring that these features are part of an alternative embodiment designed to avoid sending email to users. Gal states:

> An alternative system using a dynamically created web page uses tables such as Tables 98 and 100. Each invitation message created is associated with a pointer to the message block. ... Thus, when a user goes to the web page for the user's invitations, a web page is dynamically constructed by searching the database 90 for invitation corresponding to the user's key number. [emphasis added] (page 5, lines 15-20).
>
> The advantage of the message with the dynamically created web page rather than a traditional E-mail type message is that the messages are not considered as intrusive by the recipient since the recipient only needs to see the invitations when they go to the

> dynamically created web page. The messages don't clog up the recipient's work or hone E-mail system. [emphasis added] (page 6, lines 2-6).

Since Gal's alternative embodiment is for deployments in which email is to be avoided, why would a person of ordinary skill in the art then use the information that is collected for that alternative embodiment to generate emails? We submit that a person of ordinary skill in the art would not modify Gal's system in the way the Examiner has proposed. Moreover, since Gal has already provided an embodiment which employs an email notification mechanism (i.e., his first described embodiment) in which invitations are forwarded to users by email as those invitations arrive at the site, there is no motivation to modify the alternative embodiment to perform a function it was designed to avoid performing.

For the reasons presented above, we submit that the claims are in condition for allowance and therefore ask that they be allowed to issue.

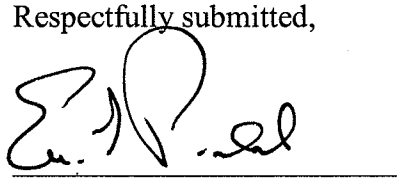
VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

Please apply any charges not covered, or any credits, to Deposit Account No. 08-0219, under Order No. 2000874.00146US1 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: 3/10/11



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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/734,811

1. A computer-implemented method of selectively distributing invitations for a plurality of events, the method comprising:

electronically storing in an event information database a plurality of event records, each event record storing event information for a corresponding different event of a plurality of events, wherein the event information stored in each of the plurality of event records includes one or more corresponding invitee selection criteria;

electronically storing in a member information database member information for each of a plurality of members, wherein each of the plurality of members has a corresponding electronic mailbox for receiving electronic communications for storage and later retrieval by that member;

after the plurality of event records storing the event information has been electronically stored in the event information database for all of the events among the plurality of events, for each event of the plurality of events, in a computer system comparing the stored event information obtained from the event information database for that event and the stored member information obtained from the member information database to identify for each member among the plurality of members all events among the plurality of events that match the stored member information for that member;

electronically storing match information about all of the identified matches, wherein for each of at least some of the members among the plurality of members the stored match information identifies multiple events among the plurality of events that were detected for that member; and

based on the stored match information, generating and sending an electronic invitation message to the electronic mailbox of each member of the plurality of members for which matches are identified in the stored match information, wherein each electronic invitation message invites its corresponding recipient to all of the events for which matches were detected for that corresponding recipient.

2. The method of claim 1, wherein the one or more corresponding invitee selection criteria comprises an area of practice.

3. The method of claim 1, wherein the one or more corresponding invitee selection criteria for each of the plurality of events is selected by a sponsor of the respective event.

4. The method of claim 1, wherein the one or more corresponding invitee selection criteria comprises an identifier that uniquely identifies an individual member.

5. The method of claim 1, wherein the one or more corresponding invitee selection criteria comprises a list of identifiers, each of which uniquely identifies an individual member.

6. A computer-implemented method of selectively distributing invitations for a plurality of events, the method comprising:

electronically storing in an event information database a plurality of event records, each event record storing event information for a corresponding different event of a plurality of events, wherein the event information stored in each of the plurality of event records includes one or more corresponding invitee selection criteria;

electronically storing in a member information database member information for each of a plurality of members, wherein each of the plurality of members has a corresponding electronic mailbox for receiving electronic communications for storage and later retrieval and wherein the member information for each of the plurality of members includes one or more member preferences;

after the plurality of event records storing the event information has been electronically stored in the event information database for all of the events among the plurality of events, for each event of the plurality of events, in a computer system comparing the stored event information obtained from the event information database for that event and the stored member information obtained from the member information database to determine for each member among the plurality of members all events among the plurality of events to which that member should be invited based on (a) matches between the member information and the one or more corresponding invitee

selection criteria for each of the plurality of events and (b) matches between the event information and the one or more member preferences for the respective members;

electronically storing invitation information indicating which events among the plurality of events each of the plurality of members should receive an invitation to, wherein for each of at least some of the members among the plurality of members the stored invitation information identifies multiple events among the plurality of events that were detected for that member; and

based on the stored invitation information, generating and sending an electronic invitation message to the electronic mailbox of each member of the plurality of members identified in the stored invitation information for receiving an invitation, wherein each electronic invitation message invites its corresponding recipient to all of the events identified for that recipient in the invitation information.

7. (Canceled).

8. The method of claim 6, wherein, in the comparing step, a decision to invite a given member to a given event requires (a) a match between the member information for the given member and the at least one invitee selection criterion for the given event and (b) a match between the event information for the given event and the member preference for the given member.

9. (Canceled).

10. The method of claim 6, wherein, in the comparing step, a decision to invite a given member to a given event requires (a) a match between the member information for the given member and the at least one invitee selection criterion for the given event and (b) a match between the event information for the given event and the member preference for the given member.

11. The method of claim 6, wherein the at least one invitee selection criterion comprises an area of practice.

12. The method of claim 6, wherein the at least one invitee selection criterion for each of the plurality of events is selected by a sponsor of the respective event.

13. The method of claim 6, wherein the at least one invitee selection criterion comprises an identifier that uniquely identifies an individual member.

14. The method of claim 6, wherein the at least one invitee selection criterion comprises a list of identifiers, each of which uniquely identifies an individual member.

Claims 15-18. (Canceled).

APPENDIX B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

APPENDIX C

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.